

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LLOYD ANDREWS, #222108,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 1:08cv540-WHA
)	(WO)
GRANT CULLIVER, et al.,)	
)	
Respondents.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #13), and the Petitioner's Objection (Doc. #14). The court has conducted an independent evaluation and *de novo* review of this case.

Petitioner objects to the Magistrate Judge's failure to direct an answer from the Respondents. He argues that his petition challenging the state court's denial of his request for reduction of sentence under Alabama Code § 13A-5-9.1 presents questions that involve more than matters of state law, and claims that he pled sufficient facts in support of an equal protection claim. However, Petitioner is plainly not entitled to relief on the face of his pleadings. Thus, summary denial - without an answer from Respondents - is proper. The Recommendation's finding that entitlement to a sentence reduction under Alabama Code § 13A-5-9.1 is a question of state law is consistent with prior decisions of this court and of the Eleventh Circuit. Finally, Petitioner did not plead sufficient facts to indicate that the state judge who denied his sentence reduction request subjected him to adverse treatment based on some constitutionally impermissible reason, nor did he identify other similarly situated inmates who received more

favorable treatment from the state court. Therefore, the court finds the objection to be without merit, and it is hereby overruled.

The court adopts the Recommendation of the Magistrate Judge, and it is hereby ORDERED that the petition for habeas corpus relief is DENIED, and this case is DISMISSED with prejudice.

DONE this 26th day of September, 2008.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE